DETAILED ACTION

This communication is a First Action Non-Final on the merits. Claims 1-23 are currently
pending and have been considered below.

Drawings

The drawings are objected to because

the unlabeled rectangular box(es) Figs 4 and 5; boxes 2, 4, 6, 8, 10, 12, 16 in
Fig. 4 and boxes 2, 4, 6, 8, 10, 12, 16, 24, 26 in Fig. 5 should be provided with
descriptive text labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in
reply to the Office action to avoid abandonment of the application. Any amended
replacement drawing sheet should include all of the figures appearing on the immediate
prior version of the sheet, even if only one figure is being amended. The figure or figure
number of an amended drawing should not be labeled as "amended." If a drawing figure
is to be canceled, the appropriate figure must be removed from the replacement sheet,
and where necessary, the remaining figures must be renumbered and appropriate
changes made to the brief description of the several views of the drawings for
consistency. Additional replacement sheets may be necessary to show the renumbering
of the remaining figures. Each drawing sheet submitted after the filing date of an
application must be labeled in the top margin as either "Replacement Sheet" or "New
Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

Specification

Paragraph 24 of specification states "According to a fifth aspect of the invention a

computer data signal embodied in a carrier wave and representing a program that

instructs a computer to perform the steps of the method of anyone of the preceding

method claims. " Necessary correction is required to avoid 35 USC §101 issue (see

claim rejection 35 USC § 112 below).

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.   Claims 11-14 are rejected as they are directed to non-statutory subject matter.

Claims 11-12 are rejected under 35 U.S.C. 101 because the claims are not to a

process, machine, manufacture, or composition of matter. In the state of the art,

transitory signals are commonplace as a medium for transmitting computer instructions

and thus, in the absence of any evidence to the contrary and given a broadest

reasonable interpretation, the scope of a "computer readable medium" covers a signal

per se. A transitory signal does not fall within the definition of a process, machine,

manufacture, or composition of matters.

Claim 13 recites "Computer program product comprising program code, downloadable from a server for carrying out the method of claim 1 when said program product is run on a computer or network device. " Computer program product is not defined in the specification. Ordinary skill in the art would interpret such product being downloadable via a carrier wave signal which directs the claimed invention non statutory.

Claim 14 recites "Computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of the method of claim 1." Claim 14 is rejected under 35 U.S.C. 101 because the claim is not to a process, machine, manufacture, or composition of matter. In the state of the art, transitory signals are commonplace as a medium for transmitting computer instructions and thus, in the absence of any evidence to the contrary and given a broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se. A transitory signal does not fall within the definition of a process, machine, manufacture, or composition of matters.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: *(See MPEP Ch. 2141)*

    a. Determining the scope and contents of the prior art;
    b. Ascertaining the differences between the prior art and the claims in issue;
    c. Resolving the level of ordinary skill in the pertinent art; and
    d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4.   **Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,539,476 B1, Marianetti et al. (hereinafter Marianetti) in view of US 6,055,595, Tachibana et al. (hereinafter Tachibana).**

As to claim 1, Marianetti discloses method for ensuring the operating state of a mobile electronic terminal device (Fig 1C), said mobile electronic terminal device comprising an interface for connecting with a removable storage medium (Fig 1A&B, col 1, lines 42-48, col 2, lines 42-45) and containing a directory of programs essential for the operation of said mobile electronic terminal device (Fig 1C, 191-197), the method comprising: detecting if the status of said interface has changed (Figs 6, 9, col 1, lines 42-48); Marianetti also discloses terminating currently running programs once detecting the memory device being removed (col. 3, lines 2-20).

Marianetti does not expressly disclose comparing programs currently running on said mobile electronic terminal device with programs contained in said directory of said essential programs and terminating all currently running programs which are not contained in said directory of said essential programs.

Tachibana, however, teaches acquiring information about the program running and comparing the program with the previously registered and saved programs (Figs 12 and 13, also see claims 5 and 6) and terminating the programs if not essential (Fig 12: B21, B22, B23, and Fig 13: C21, C22, C23, col 2, lines 3-7, 26-46).

Therefore, consider Marianetti and Tachibana together, it would have been obvious to one of skill in the art at the time of invention to modify Marianetti's method by incorporating Tachibana's teachings on comparing the programs running and terminating the programs accordingly to automatically select and start/terminate the application programs for executing the process corresponding to the PC card in response to insertion/removal of the PC card.

As to claim 2, Marianetti as modified discloses method according to claim 1, wherein a status change of said interface indicates that a removable storage medium has been connected with said interface (Marianetti: Fig 12:1240, col 14, lines 30-47).

As to claim 3, Marianetti as modified discloses method according to claim 1, wherein a status change of said interface indicates that a removable storage medium has been disconnected from said interface (Marianetti: Fig 12:1270, col 14, lines 48-55).

As to claim 4, Marianetti as modified discloses method according to claim 3, wherein the step of detecting, if the status of said interface has changed, is followed by: determining which programs currently running on said mobile electronic terminal device are

independent of data stored on said removable storage medium (Tachibana: Fig 12: B13-B20, Fig 13: C13-C20, new program (increased content information) being independent); and adding said independent programs to said directory of said essential programs (Tachibana: Fig 12: B18-B20, Fig 13: C18-C20).

As to claim 5, Marianetti as modified discloses method according to claim 4, wherein said mobile electronic terminal device contains a restart directory (Marianetti: Fig 9, col 8, lines 29-51), and the steps in claim 4 are followed by: determining which of said programs that are not contained in said directory of essential programs are restartable without accessing said removable storage medium (Marianetti: col 8, lines 39-51, also col 11, lines 19-25); and adding said restartable programs to said restart directory (Marianetti: col 8, lines 39-51).

As to claim 6, Marianetti as modified discloses method according to claim 5, further comprising: restarting all programs in said restart directory (Marianetti: Fig 11: 1190, col 11, lines 19 - 30).

As to claim 7, Marianetti as modified discloses method according to claim 1, wherein said interface is queried to detect if the status of said interface has changed (Marianetti: Fig 4, col 5, lines 6-22, interrupt is a triggering (querying) signal).

As to claim 8, Marianetti as modified discloses method according to claim 7 and

Marianetti as modified method possesses intrinsic capability to send a querying signal

repetitively (by generate a timer interrupt or interrupt service routine – official notice is

taken that it is common practice in the field to check the interface regularly for any

status changes).

As to claim 9, Marianetti as modified discloses method according to claim 7, wherein

said querying is paused when said mobile electronic terminal device is in a power

saving state (Marianetti: col 7, lines 15-26, turn off circuitry unused to save power (in a

power saving state), when no interrupt signal is produced, querying is paused).

As to claim 10, Marianetti as modified discloses method according to claim 1, wherein a

signal is received to detect if the status of said interface has changed (Marianetti: Fig 4,

col 5, lines 6-22, interrupt signal is received to detect the status change).

As to claim 11, Marianetti as modified discloses software tool comprising program code

means stored on a computer readable medium for carrying out the method of claim 1

when said software tool is run on a computer or network device (Tachibana: col 12,

lines 26-33).

Claims 12 - 14 recite computer programs either stored on a computer readable medium

or downloadable from a server and data signals implementing claim 1. They are

rejected the same as claim 1.

As to claim 15, claim 15 is a device claim that encompasses and necessitates the method claim 1. Rejection on claim 1 is therefore incorporated herein (see analysis and rejection of claim 1 above).

Claim 16 is rejected with the same reason as claim 4.

Claim 17 is rejected with the same reason as claim 5.

As to claim 18, Marianetti as modified discloses device according to claim 15, wherein said interface component further comprises a trigger component adapted to generate a signal when the status of said interface component changes (Marianetti: Fig 4, col 5, lines 6-22, interrupt is a triggering signal).

Claims 19 and 20 are rejected the same as claims 2 and 3.

As to claim 21, Marianetti as modified discloses device according to claim 15, wherein said interface component comprises a status indicator adapted to indicate read or write accesses to said removable storage medium (Marianetti: Fig 6, col 5, lines 24-34, read indication, also col 11, lines 48-55).

As to claim 22, Marianetti as modified discloses device according to claim 15, wherein said mobile electronic terminal device is a mobile phone (Marianetti: col 6, lines 15-19,

indicating the device can be a mobile phone).

5.　　**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marianetti in view of Tachibana, and further in view of US 2005/0169073 A1, Cook et al. (hereinafter Cook).**

As to claim 23, Marianetti as modified's discloses device according to claim 15 but does not expressly disclose the device being a gaming console. Cook, however, in the same field of endeavor, teaches that the mobile terminal device can be a gaming console (Cook: pars 0005, 0044). Consider Marianetti as modified's device and Cook's teachings together, it would have been obvious to one of skill in the art at the time of invention to further modify Marianetti as modified's device by incorporating Cook's teachings in game console and application program including games to provide more applications to Marianetti as modified's device.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUN SHEN whose telephone number is (571)270-7927. The examiner can normally be reached on Monday through Thursday, 9:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QUN SHEN/   /LUN-YI LAO/
Examiner, Art Unit 2617   Supervisory Patent Examiner, Art
                                                     Unit 2617